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OFFICE OF PETITIONS

In re Patent No. 7,208,672

Issue Date: April 24, 2007

Application No. 10/779,692

Filed: February 18, 2004

Attorney Docket No. NOAMC-0001-2004

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed July 25, 2008, requesting correction of an improper Certificate of Mailing and on the petition under 37 CFR 1.182, filed September 30, 2008, requested expedited consideration of the petition filed July 25, 2008.

The petition under 37 CFR 1.182 is **GRANTED**.

The petition under 37 CFR 1.181 is **DISMISSED** as moot.

In reply to the Notice of Allowance and Issue Fee(s) Due mailed January 22, 2007, the issue fee was duly paid on March 13, 2007.

On April 24, 2007, U.S. Patent No. 7,208,672 issued on the instant application.

The instant petition was filed July 25, 2008.

Petitioner requests that the patentee's failure to mail a letter containing a Certificate of Mailing with the United States Postal Service be corrected by a retroactive extension of time.

As set forth in MPEP 1305:

Once the patent has been granted, the U.S. Patent and Trademark Office can take no action concerning it, except as provided in 35 U.S.C. 135, 35 U.S.C. 251 through 256, 35 U.S.C. 302 through 307 and 35 U.S.C. 311 through 316.

Accordingly, once the patent is granted, the Office has no jurisdiction over the patent. Also, see *Aristocrat Technologies Australia v. International Game Technologies* 2008 U.S. App. LEXIS 20060 (Fed. Cir. 2008) "[p]rocedural lapses during examination, should they occur, do not provide grounds of invalidity. Absent proof of inequitable conduct, the examiner's or the applicant's absolute compliance

with the internal rules of patent examination becomes irrelevant after the patent has issued." The case was decided September 22, 2008.

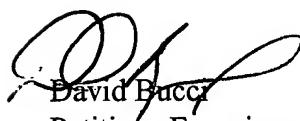
Further correspondence with respect to this matter should be addressed as follows:

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The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries should be directed to the undersigned at 571-272-7099.



David Bucci
Petitions Examiner
Office of Petitions